

Allegheny County Health Department

DIRECTOR

Bruce W. Dixon, M.D.



AIR QUALITY PROGRAM

301 39th Street – Bldg. #7
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October 6, 2009

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NOTICE OF VIOLATION

Mr. Mark G. Tabler, Plant Manager
United States Steel Corporation
Clairton Works
400 State Street
Clairton, PA 15025-1855

CERTIFIED MAIL
10-1737-E

RE: Notice of Violation #091002 – United States steel Corporation, Clairton Works, 400 State Street, Clairton, PA - Allegheny County Health Department Rules and Regulations, Article XXI Air Pollution Control, §2101.11.a.2, Prohibition of Air Pollution.

Dear Mr. Tabler:

A review of the ambient air quality data for the years 2007, 2008, and 2009 (Jan. – Sep.) from the Department's Air Monitoring Station located in Liberty Borough indicates exceedances of the hydrogen sulfide (H₂S) ambient air quality standards in Allegheny County Health Department (ACHD) Rules and Regulations, Article XXI Air Pollution Control, §2101.10 Ambient Air Quality Standards. The 24-hour standard (concentration averaged over 24 hours) for H₂S is 0.005 ppm (parts per million by volume – dry); the 1-hour standard is 0.1 ppm.

The exceedances are summarized in the table below.

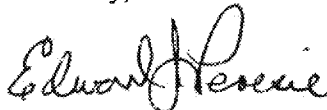
Liberty Borough Air Monitoring Station - H ₂ S Exceedances		
H ₂ S Standard	24-hour Average (0.005 ppm)	1-hour Average (0.1 ppm)
Time Period	-	-
2007	53	0
2008	48	1
2009 (Jan-Sep)	19	0

The above conditions are violations of ACHD Rules and Regulations, Article XXI, Air Pollution Control, Prohibition of Air Pollution Generally, §2101.11.a.2, which states: “...*No person shall willfully, negligently, or through the failure to provide and operate necessary control equipment or to take necessary precautions, operate any source of air contaminants in such manner that emissions from such source: ... 2. Cause an exceedance of the ambient air quality standards established by §2101.10 of this Article; ...*”

The Department requests that you submit a plan with milestones to reduce and minimize the fugitive emissions of coke oven gas from the coke producing operations at the Clairton Coke Works. Include the identification of coke oven gas emission sources and methods of improved emission prevention and control. This plan is to be submitted to the Department by November 30, 2009.

If you have any questions, please call Bill Clark at 412-578-8136. Thank you for your anticipated prompt attention to this matter.

Sincerely,



Edward J. Peresie
Enforcement Chief

cc: Bruce W. Dixon, M.D., Director of ACHD
James E. Thompson, Air Quality Program Manager
William U. Clark
File

James
Hagedorn/R3/USEPA/US
10/15/2009 09:52 AM

To Jerome Curtin/R3/USEPA/US@EPA
cc
bcc
Subject Fw: Inspection of Clairton Works

FYI.

----- Forwarded by James Hagedorn/R3/USEPA/US on 10/15/2009 09:48 AM -----



"Thompson, James"
<jthompson@achd.net>
10/15/2009 08:12 AM

To James Hagedorn/R3/USEPA/US@EPA
cc "Peresie, Ed" <EPeresie@achd.net>, "Clark, Bill"
<BClark@achd.net>
Subject RE: Inspection of Clairton Works

Jim:

They are still on schedule with the COA's (note that we have a separate COA for the B Battery repairs).

Also, if possible, I would like Ed Peresie (our new enforcement Manager) and Bill Clark accompany you on your inspection). They will call to coordinate.

Also, please note that we just issued an NOV to USS Clairton for violating the State NAAQS for H2S (see attached).

Jim Thompson
Air Program Manager
Allegheny County Health Department
301 39th Street
Pittsburgh, PA 15201-1891
(412) 578-8103

-----Original Message-----

From: Hagedorn.James@epamail.epa.gov
[mailto:Hagedorn.James@epamail.epa.gov]
Sent: Thursday, October 15, 2009 8:04 AM
To: Thompson, James
Subject: Inspection of Clairton Works

I was requested to do an inspection of the Clairton Coke Works this fiscal year by EPA HQ and, with the temperature where it's at right now, I have it planned to do this the week of 10-26-09. I figure that Jerry Curtin and I will do surveillance on Monday, 10-26-09, to see how things look and then go into the plant from 10-27-09 to 10-30-09 and play things by ear. If things look good then perhaps we will fly out of there on Friday early or something. I will probably do topsides for the plant and Jerry will do doors for the plant and I will look at some charging and Jerry will watch pushing but we will see how things go. I would take it that the production level is low right now so charging and pushing will take some time to do. Is Clairton still on schedule for your CO&A or were the dates changed due to the poor economy? FYI.



0052nov2009-10-06.pdf

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

-----X
In the Matter of:

Severstal Wheeling, Inc.
Follansbee, West Virginia Plant

AFS # 54-009-00002
-----X

NOTICE OF VIOLATION

DOCKET NO. CAA-III-*****

STATUTORY AUTHORITY

This NOTICE OF VIOLATION (NOV) is issued pursuant to Section 113(a)(1) and (3) of the Clean Air Act (the Act), as amended on November 15, 1990 by P.L. 101-549, 42 U.S.C. § 7413(a)(1) and (3), to Severstal Wheeling, Incorporated for violations of the Act and the West Virginia State Implementation Plan (SIP) at the Severstal Wheeling, Inc. coke manufacturing plant located in Follansbee, Brooke County, West Virginia. Section 113(a)(1) of the Act requires the Administrator of the United States Environmental Protection Agency (EPA) to notify a person in violation of a state implementation plan (SIP) or permit of the violation and the State (WVDAQ) having jurisdiction over that emission source. The authority to issue NOV's has been delegated to the Director of EPA Region III's Air Protection Division. A description of the regulatory background, the relevant facts and a list of the specific violations identified by EPA are outlined below. The geographical jurisdiction of EPA Region III includes the State of West Virginia.

FINDINGS OF FACT

EPA is authorized by Section 113 of the Act, 42 U.S.C. § 7413, to take action to ensure that air pollution sources comply with all federally applicable air pollution control requirements. These include requirements promulgated by EPA and those contained in federally enforceable SIPs or permits.

Severstal Wheeling, Inc. Follansbee plant (Severstal or Facility) produces metallurgical coke which is charged into blast furnaces in the steel industry for the production of iron which is, subsequently, converted into steel via other processes. The Facility is owned by Severstal which is a Russian company. The Facility has been owned by Severstal Wheeling, Inc. at all relevant times to this NOV. Severstal and Severstal Wheeling are hereinafter referred to collectively as "Respondents."

Respondents are "persons" within the meaning of Section 113(a) of the Act,

42 U.S.C. § 7413(a) and as defined in Section 302(e) of the Act, 42 U.S.C. § 7602(e).

The West Virginia SIP, approved by EPA at 40 C.F.R. § 52.2520(a), includes Title 45, Code of State Regulations, Regulation 7 (45CSR7), Section 3.1, covering visible emissions which provides that, "No person shall cause, suffer, allow or permit emission of smoke and/or particulate matter into the open air from any process source operation which is greater than twenty (20) percent opacity, except as noted in subsections 3.2, 3.3, 3.4, 3.5, 3.6, and 3.7." Subsection 3.4(h) states that the regulation for combustion stacks is subsection 3.1 and subsection 3.2 as to allowable opacity. Subsection 3.2 states, "The provisions of subsection 3.1 shall not apply to smoke and/or particulate matter emitted from any process source operation which is less than forty (40) percent opacity for any period or periods aggregating no more than five (5) minutes in any sixty (60) minute period."

Also, the West Virginia SIP contains 45CSR7, Section 3.3(a) which states, "Charging emissions from charging of any four consecutive ovens shall not exceed an aggregate time of more than one hundred (100) seconds."

On October 15 and 16, 2008, November 5, 2008, and March 5, 2009, EPA conducted inspections/ surveillance of the Facility and documented violations of the above regulations as follows:

Date	Emission Source	Time Period	# Readings >= 40%
10-16-08	#8 battery combustion stack	1:16-2:16	24 readings
10-16-08	#8 battery combustion stack	3:22-3:26	8 readings
11-5-08	#3 battery combustion stack	10:00-11:00	17 readings
10-15-08	#8 battery charging	2:12-2:55	199 seconds/4 charges
3-5-09	#2 battery combustion stack	9:43-10:43	11 readings >= 40%
1-17-08	#1 battery combustion stack	12:59-1:29	106 readings >= 40%

EPA is also aware that the West Virginia Department of Air Quality (WVDAQ) has numerous data sheets showing violations at the same combustion stacks.

CONCLUSIONS OF LAW

Since at least January 17, 2008, Respondents have been in violation of Section 113 of the Act, 42 U.S.C. § 7413, and the West Virginia SIP and will be presumed to remain in violation of these requirements until it establishes continuous compliance with the above requirements. Section 113(e)(2) of the Act, 42 U.S.C. § 7413(e)(2).

ENFORCEMENT

Section 113(a) of the Act, as amended, 42 U.S.C. § 7413(a), the Federal Civil Penalties Inflation Adjustment Act of 1990, 28 U.S.C. § 2461, et seq., as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701, et seq., and the Civil Monetary Penalty Inflation Adjustment Rule, 40 C.F.R. Part 19, provide that at any time after the expiration of 30 days following the date on which a NOV is issued, the Administrator of EPA, or an EPA official authorized to act as his representative, may, without regard to the period of violation (subject to 28 U.S.C. § 2462):

- (a) issue an order requiring compliance with the requirements of the state implementation plan or permit, or
- (b) issue an administrative penalty order pursuant to Section 113(d) for civil administrative penalties of up to \$25,000 per day of violation for violations occurring on or before January 30, 1997, \$27,500 per day of violation for violations occurring after January 30, 1997, and \$32,500 per day of violation for violations occurring after March 14, 2004, or
- (c) bring a civil action pursuant to Section 113(b) for injunctive relief and/or civil penalties of not more than \$25,000 per day for each violation occurring on or before January 30, 1997, \$27,500 per day of each violation for violations occurring after January 30, 1997, and \$32,500 per day of each violation for violations occurring after March 14, 2004.

Further, Section 113(c) of the Act, 42 U.S.C. § 7413(c), provides for criminal penalties or imprisonment, or both, for any person who knowingly violates any plan or permit requirement more than 30 days after the date of the issuance of a NOV.

Pursuant to Section 306(a) of the Act, as amended, 42 U.S.C. § 7606(a),

regulations promulgated thereunder at 40 C.F.R. Part 15, and Executive Order 11738, facilities or persons to be utilized in federal contracts, grants and loans must be in full compliance with the Act and all regulations promulgated pursuant thereto. Violation of the Act may result in the subject facility being declared ineligible for participation in any federal contract, grant, or loan.

PENALTY ASSESSMENT CRITERIA

Section 113(e)(1) of the Act, as amended, 42 U.S.C. § 7413(e)(1), states that the court in an action for assessment of civil or criminal penalties shall, as appropriate in determining the amount of penalty to be assessed, take into consideration (in addition to such other factors as justice may require) the size of the business, the economic impact of the penalty on the business, the violator's full compliance history and good faith efforts to comply, the duration of the violation as established by any credible evidence (including evidence other than the applicable test method), payment by the violator of penalties previously assessed for the same violation, the economic benefit of noncompliance, and the seriousness of the violation.

Section 113(e)(2) of the Act, as amended, 42 U.S.C. § 7413(e)(2), allows the court to assess a penalty for each day of violation from the first date of violation. Where the plaintiff makes a prima facie showing that the conduct or events giving rise to this violation are likely to have continued or recurred past the date of this NOV (or a previously issued air pollution control agency NOV for the same violation), the days of violation shall be presumed to include the date of this NOV (or the previous NOV) and each and every day thereafter until Respondents establish that continuous compliance has been achieved, except to the extent that Respondents can prove by the preponderance of the evidence that there were intervening days during which no violation occurred or that the violation was not continuing in nature.

OPPORTUNITY FOR CONFERENCE

Respondents may, upon request, confer with EPA to discuss this NOV. If Respondents request a conference with EPA, Respondents should be prepared to describe the causes of the violation and to describe any actions Respondents may have taken or propose to take to bring the Facility into compliance. Respondents have the right to be represented by counsel. Respondents must submit any request for a conference with EPA within 10 days of receipt of this NOV. A request for a conference with EPA, and/or any inquiries regarding this NOV, should be submitted in writing to:

James W. Hagedorn
Air Enforcement Branch, 3AP12

U.S. Environmental Protection Agency - Region III
1650 Arch Street
Philadelphia, PA 19103-2029

EFFECTIVE DATE

This NOV shall be effective immediately upon receipt.

QUESTIONS REGARDING NOV

If you have any questions concerning this Notice of Violation, you may contact Mr. Chris Pilla, Chief, Air Enforcement Branch, at (215) 814-3438, or James W. Hagedorn at (215) 814-2161.

DISCLOSURE INFORMATION

Certain companies may be required to disclose to the Securities and Exchange Commission (SEC) the existence of certain pending or known to be contemplated environmental legal proceedings (administrative or judicial) arising under federal, state or local environmental laws. Please see the attached "Notice of Securities and Exchange Commission Registrants' Duty to Disclose Environmental Legal Proceedings" for more information about this requirement and to aid you in determining whether your company may be subject to the same.

Judith M. Katz, Director
Air Protection Division

Date

cc: Jesse Adkins, WVDAQ

